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68TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ No. 1086

AMENDING AN ACT CONSOLIDATING NATIONAL FOREST LANDS

FEBRUARY 3 (calendar day, FEBRUARY 11), 1925.—Ordered to be printed

Mr. STANFIELD, from the Committee on Public Lands and Surveys,
submitted the following

REPORT

[To accompany H. R. 11500]

The Committee on Public Lands and Surveys, to whom was referred the bill (H. R. 11500) to amend an act entitled "An act to consolidate national forest lands," having considered the same, reports thereon favorably without amendments and recommends it do pass.

The recommendations of the Department of Agriculture and the Department of the Interior are indicated by the reports submitted by them contained in House Report No. 1176.

DEPARTMENT OF AGRICULTURE,
Washington, January 8, 1925.

HON. NICHOLAS J. SINNOTT,
*Chairman House Committee on the Public Lands,
House of Representatives.*

DEAR MR. SINNOTT: In the actual administration of the forest exchange act of March 20, 1922 (42 Stat. 465), a practical difficulty has been encountered where it appears in the public interest to acquire land with outstanding reservations, like easements, or the right to remove timber for a limited period, or minerals; and in other instances where it appears to be in the public interest to give in exchange certain land but to retain to the Government for other disposition the minerals in the tract.

The forest exchange act, as you know, authorizes the exchange on the basis of equal value of privately owned lands within the national forests for publicly owned lands similarly located, or for national forest timber, when such exchanges are found to be in the public interest. The main object sought is the consolidation of the Government's holdings to facilitate administration and the purposes for which the forests are created. The lands desired are needed for their timber-growing properties. The law requires that a fee-simple title shall be obtained. In some instances it is found that the owner of a tract has disposed of the min-

eral rights in the land or has granted a right of way for some purpose, or possibly wishes to retain for a period of years the right to remove certain of the mature timber. In very many cases the restrictions of title are secondary in character and do not defeat the use intended by the Government for the lands in question. The inability of the Government to accept such lands, except by special legislation, is frequently more detrimental to the public interests than would be the acceptance of the land with existing restrictions of title. On the other hand, in effecting these exchanges it sometimes happens that the lands which are selected by the proponent of the exchange lie within a region which is known to contain certain minerals but on which no actual discovery of mineral has been made. In these cases the proponent of the exchange is willing to take the land with mineral rights reserved to the United States, so that they may be disposed of separately under any applicable law.

After fully considering the subject we have concluded that this situation should be brought to your attention, so that the committee may consider whether it desires to recommend to Congress that legislation be enacted whereby lands may be acquired as well as disposed of with the reservation of certain rights as herein described, in the discretion of the executive officers charged by Congress with making the exchanges. There is transmitted herewith a suggested draft of a bill which it is believed, if enacted, would accomplish these purposes. It is our judgment that such legislation would be in the public interest. It is legislation which, if enacted, should not and would not need to be applied in the ordinary or usual exchange for forest purposes, which would still continue to be made on a fee-simple basis. The authority to make an exchange with reservations need only be exercised when it is clear that the public interest will be served by the acquisition of lands essential to the good administration of the forests as a whole, but which could not be secured at all except with some restriction as to title. Legislation such as we have suggested for your consideration also would protect the Government when it desired to offer land in exchange when it would not be in the public interest to offer the same unless some reservations to the Government could be made and were authorized by law.

Sincerely yours,

HOWARD M. GORE,
Secretary of Agriculture.
HUBERT WORK,
Secretary of the Interior.

